# Executive Summary – Enforcement Matter – Case No. 43375 City of O'Donnell RN101918548

Docket No. 2012-0396-MLM-E

**Order Type:** 

1660 Agreed Order

**Findings Order Justification:** 

N/A

Media:

MLM - MSW, WQ

**Small Business:** 

No

Location(s) Where Violation(s) Occurred:

City of O'Donnell WWTP, located immediately west of the intersection of U.S. Highway

87 and Farm-to-Market Road 2053, Lynn County

Type of Operation:

Wastewater treatment plant

**Other Significant Matters:** 

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: February 7, 2014

**Comments Received:** No

**Penalty Information** 

**Total Penalty Assessed:** \$26,988

Amount Deferred for Expedited Settlement: \$5,397 Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$626
Total Due to General Revenue: \$20,965

Payment Plan: 35 payments of \$599 each

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:** 

Person/CN - Average Site/RN - Average

Major Source: No

Statutory Limit Adjustment: N/A

**Applicable Penalty Policy:** September 2011

**Investigation Information** 

**Complaint Date(s):** N/A

**Complaint Information**: N/A

Date(s) of Investigation: December 13, 2011

Date(s) of NOE(s): December 22, 2012

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# **Violation Information**

- 1. Failed to employ or contract a wastewater treatment facility operator holding the appropriate level of license [30 Tex. ADMIN. CODE §§ 30.350(d) and 305.125(1) and TCEQ Permit No. WQ0011126001 Special Provisions No. 2].
- 2. Failed to maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures. Specifically, the Facility's lift stations are not equipped with an electrical quick connect to receive power from the back up generators [30 Tex. Admin. Code §§ 305.125(1) and 305.125(5) and TCEQ Permit No. WQ0011126001 Operational Requirements No. 4].
- 3. Failed to conduct, at a minimum, annual calibration of the flow meter used to measure flow to the land application area [30 Tex. Admin. Code § 305.125(1) and TCEQ Permit No. WQ0011126001 Monitoring Requirements No. 5].
- 4. Failed to submit liner certifications for the storage ponds and facultative lagoon. Specifically, the Respondent has not submitted liner certification documents for the two storage ponds and facultative lagoon at the Facility [30 Tex. Admin. Code § 305.125(1) and TCEQ Permit No. WQ0011126001 Special Provisions No. 13].
- 5. Failed to timely submit the annual soil sampling report for the land application area by September 30, 2011 [30 Tex. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0011126001 Special Provisions No. 10].
- 6. Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, significant erosion was noted along the water line of the irrigation holding pond and the pond did not have a minimum freeboard of two feet [30 Tex. Admin. Code § 305.125(1) and 305.125(5) and TCEQ Permit No. WQ0011126001 Operational Requirements No. 1 and Special Provisions No. 11].
- 7. Failed to secure the collection system lift stations. Specifically, Lift Station No. 1, located at 13th Street and Bladrige; Lift Station No. 2, located at 10th Street and Standefer; and Lift Station No. 3, located at 9th Street and Nassau; were not surrounded by intruder-resistant fencing and the hatches to the wet wells were unlocked and unsecured [30 Tex. Admin. Code § 305.125(1) and TCEQ Permit No. WQ0011126001 Operational Requirements No. 1].
- 8. Failed to obtain authorization prior to storing, processing, removing, or disposing of any municipal solid waste. Specifically, an estimated 7,500 cubic feet of municipal solid waste, consisting of tree limbs, mattresses, children's toys, and construction waste, were being stored at the Facility [30 Tex. Admin. Code § 330.9(a)].

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### Corrective Actions/Technical Requirements

### **Corrective Action(s) Completed:**

The Respondent has implemented the following corrective actions:

- a. On December 16, 2011, contracted with Republic Services to remove and properly dispose of MSW from the Facility; and
- b. By January 12, 2012:
- i. Submitted the 2011 annual soil sampling report for the land application area; and
- ii. Secured the hatches to the wet wells at Lift Station Nos. 1, 2, and 3.

### **Technical Requirements:**

The Order will require the Respondent to:

- a. Within 15 days, ensure a properly certified operator operates the Facility at least five days per week.
- b. Within 30 days:
- i. Begin conducting, at a minimum, annual calibration of the flow meter used to measure flow to the land application area; and
- ii. Submit the liner certification for the storage ponds and facultative lagoon.
- c. Within 45 days, submit written certification of compliance with Ordering Provisions a., b.i., and b.ii.
- d. Within 60 days:
- i. Repair all eroded sections of the irrigation holding pond and maintain a minimum freeboard of two feet; and
- ii. Install intruder resistant fencing at Lift Station Nos. 1, 2, and 3.
- e. Within 75 days, submit certification of compliance with Ordering Provisions d.i. and d.ii.
- f. Within 90 days, provide adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures.

## Executive Summary – Enforcement Matter – Case No. 43375 City of O'Donnell RN101918548 Docket No. 2012-0396-MLM-E

g. Within 105 days, submit certification of compliance with Ordering Provision f.

### **Litigation Information**

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

### **Contact Information**

TCEQ Attorney: N/A

**TCEQ Enforcement Coordinator:** Jacquelyn Green, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-2587; Candy Garrett, Enforcement Division,

MC 219, (512) 239-1456

**TCEQ SEP Coordinator**: N/A

Respondent: The Honorable Scott Martinez, Mayor, City of O'Donnell, P.O. Box 236,

O'Donnell, Texas 79351

Respondent's Attorney: N/A

#### Penalty Calculation Worksheet (PCW) Policy Revision 3 (September 2011) PCW Revision August 3, 2011 Assigned 3-Jan-2012 PCW 19-Jan-2012 Screening 12-Jan-2012 **EPA Due** RESPONDENT/FACILITY INFORMATION Respondent City of O'Donnell Reg. Ent. Ref. No. RN101918548 Facility/Site Region 2-Lubbock Major/Minor Source Minor CASE INFORMATION Enf./Case ID No. 43375 Docket No. 2012-0396-MLM-E Media Program(s) Water Quality No. of Violations 8 Order Type 1660 Government/Non-Profit Yes Multi-Media Municipal Solid Waste Enf. Coordinator Steve Villatoro EC's Team Enforcement Team 1 Admin. Penalty \$ Limit Minimum \$0 Maximum \$25,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) \$26,000 Subtotal 1 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. \$1,300 Subtotals 2, 3, & 7 **Compliance History** 5.0% Enhancement Notes Enhancement for one NOV with same/similar violations. Subtotal 4 \$0 0.0% Enhancement Culpability The Respondent does not meet the culpability criteria. Notes Good Faith Effort to Comply Total Adjustments Subtotal 5 \$312 Subtotal 6 \$0 0.0% Enhancement\* **Economic Benefit** Capped at the Total EB \$ Amount Total EB Amounts \$2,889 Approx. Cost of Compliance \$26,988 Final Subtotal SUM OF SUBTOTALS 1-7 \$0 0.0% Adjustment OTHER FACTORS AS JUSTICE MAY REQUIRE Reduces or enhances the Final Subtotal by the indicated percentage. Notes

STATUTORY LIMIT ADJUSTMENT

Notes

PAYABLE PENALTY

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g

**DEFERRAL** 

Final Penalty Amount

Final Assessed Penalty

Reduction Adjustment

20.0%

Deferral offered for expedited settlement.

\$26,988

\$26,988

-\$5,397

\$21,591

Docket No. 2012-0396-MLM-E

Screening Date 12-Jan-2012

Respondent City of O'Donnell

Case ID No. 43375

Reg. Ent. Reference No. RN101918548 Media [Statute] Water Quality Enf. Coordinator Steve Villatoro Policy Revision 3 (September 2011) PCW Revision August 3, 2011

	ry <i>Site</i> Enhancement (Subtotal 2)  Number of	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government		0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)		0%
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
	Ple	ase Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	Adjustment Per	rcentage (Sub	total 2)
at Violator ( No		centage (Sub	total 3
		g. (	
mance Histo	ry Person Classification (Subtotal 7)		
Average Pe	-	rcentage (Sub	total 7)
iliance Histo	ry Summary		_
Compliance History Notes	Enhancement for one NOV with same/similar violations.		
	Total Compliance History Adjustment Percentage (	Subtotals 2,	<b>3, &amp; 7</b> )
AND THE RESERVE AND THE RESERV	History Adjustment		

Screening Date	12-Jan-2012	Docket	No. 2012-0396-MLM-E	PCW
	City of O'Donnell			Policy Revision 3 (September 2011)
Case ID No. Reg. Ent. Reference No.				PCW Revision August 3, 2011
Media [Statute]				the second secon
Enf. Coordinator				**************************************
Violation Number	20 Toy Admin Codo	§§ 30.350(d) and 305.	.125(1) and Texas Commi	ssion on
Rule Cite(s)	Environmental Quality (	"TCEQ") Permit No. WO	Q0011126001 Special Pro	visions No.
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makinani pirinani pir	Failed to employ or con	tract a wastewater tre	atment facility operator he	olding the
Violation Description		nse, as documented di	uring an investigation con	
A CONTRACTOR OF THE CONTRACTOR		December 13, 2	2011.	
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TO THE PROPERTY OF THE PROPERT			Bas	se Penalty \$25,000
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Release	Harm	•		
OR Actual		RE MINO		
Potential	X		Percent 15.0%	
>>Programmatic Matrix				
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	rotective of human health			1
			Adjustment	\$21,250
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·	weekly			
mark only one	monthly x quarterly	<del></del>	Violation Bas	se Penalty \$3,750
with an x	semiannual			
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One monthly	vevent is recommended f			2011) to
	the date of	screening (January 12	, 2012).	
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or reserve				
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			Violatio	n Subtotal \$3,750
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Estimat	ed EB Amount	\$861	Violation Final Per	_
	This	violation Final Asses	sed Penalty (adjusted	for limits) \$3,938

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Respondent	City of O'Donr	nell					
Case ID No.	43375						
eg. Ent. Reference No.	RN101918548	}					
Media	Water Quality					Percent Interest	Years of
Violation No.	1					reitent litterest	Depreciation
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Engineering/construction				0.00	\$0	\$0 \$0	\$0 \$0
Land		1		0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal		11		II U.UU	SU 50	n/a	50
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		12-Jan-2012	236000000000000000000000000000000000000	et No. 2012-0396-MLM-E		PCW
		City of O'Donnell				3 (September 2011)
	ID No.				PCW Revis	sion August 3, 2011
Reg. Ent. Referei		Water Quality				
		Steve Villatoro			<b>y</b>	
	Number					
Rul	e Cite(s)	30 Tex. Adr	nin. Code §§ 305.125(1) and	305.125(5) and TCEQ Perm	it No.	
none and a second			WQ0011126001 Operationa	I Requirements No. 4		
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			ated wastes during electrical			A CONTRACTOR OF THE CONTRACTOR
Violation De	scription		n conducted on December 13 equipped with an electrical q		800000000000000000000000000000000000000	
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		<u> </u>	-			***************************************
				Bas	e Penalty	\$25,000
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>> Environmental,	, Proper	ty and Huma	n Health Matrix Harm			www.
	Release	Major	Moderate Minor			***
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			man health or environmenta			
				Adjustment	\$21,250	3000
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N	umber of \	/iolation Events	1	30 Number of violation	days	7000
history	1	1.1.				
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	k only one ith an x	quarterly		Violation Bas	e Penalty	\$3,750
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		single event				enavinosas.
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	0.000	u	iate of Screening (January 12	, 2012).		nonegraphene
2 1 F 11 F/7						+0
<b>Good Faith Efforts</b>	to Com	piy	0.0% Reduction  Before NOV NOV to EDPRP/Settle	ement Offer		\$0
		Extraordinary [	DEGOTE NO. 10 CO ED FILIZAÇÃO			ACCOUNTS AT A COUNTY AND A COUNTY AT A COU
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page and a second		N/A	(mark with x)		_	
The state of the s		Ī,	The Respondent does not me	at the good faith critoria for		and the second s
		Notes	The Respondent does not me this viol			Andarodone
		L				midwerelinig
**************************************				Violation	Subtotal	\$3,750
			,	· · · · · · · · · · · · · · · · · · ·		45,750
Economic Benefit (	EB) for	this violation	l i i i i i i i i i i i i i i i i i i i	Statutory Limit	Test	
· ·	Ectionate	ed EB Amount	\$754	Violation Einel D	alty Total	42 020
Activations	rening(	SU ED AMOUNT	\$/34]	Violation Final Pen	arry IUIdi	\$3,938
			This violation Final Ass	essed Penalty (adjusted f	or limits)	\$3,938

		conomic	Benefit	WO	rksneet		16.04
Respondent		iell					
Case ID No.	43375						
eg. Ent. Reference No.	RN101918548						
Media	Water Quality					Percent Interest	Years of
Violation No.	2					reitein hiterest	Depreciation
						5.0	15
	Item Cost	<b>Date Required</b>	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs		, ,				T	
Equipment				0.00	\$0	\$0	\$0
Buildings	110 222	22 2 222	52 1 5525	0.00	\$0	\$0	\$0
Other (as needed)	\$15,000	13-Dec-2011	31-Aug-2012	0.72	\$36	\$718	\$754
Engineering/construction		<del> </del>		0.00	\$0	\$0	\$0
Land				0.00	\$0 \$0	n/a	\$0 \$0
Record Keeping System				0.00	\$0 \$0	n/a	\$0 \$0
Training/Sampling		<del> </del>		0.00	\$0 \$0	n/a n/a	\$0 \$0
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Other (as needed)						n/a n/a prevent an unautho	
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Other (as needed)  Notes for DELAYED costs  Avoided Costs  Disposal Personnel spection/Reporting/Sampling	in the event	of main power los	s. Date require	equate d is the of compensate in the of the	\$0 back up power to e investigation dat illance.  19 item (except \$0 \$0 \$0	n/a prevent an unautho e. Final date is the  for one-time avoid \$0 \$0 \$0	\$0  prized discharge expected date  ded costs)  \$0  \$0  \$0
Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	in the event	of main power los	s. Date require	equate d is the of compensate of the	\$0 back up power to e investigation dat bliance.  19 item (except \$0 \$0 \$0 \$0 \$0	n/a prevent an unauthor e. Final date is the  for one-time avoid \$0 \$0 \$0 \$0 \$0	\$0 prized discharge expected date  ded costs) \$0 \$0 \$0 \$0
Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel repection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	in the event	of main power los	s. Date require	0.00 equate d is the f comp on	\$0 back up power to e investigation dat iliance.  ng item (except \$0 \$0 \$0 \$0 \$0 \$0	n/a prevent an unautho e. Final date is the  for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 prized discharge expected date  ded costs) \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel spection/Reporting/Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	in the event	of main power los	s. Date require	0.00 equate d is the force of compensation of	\$0 back up power to envestigation datalliance.  ng item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a prevent an unautho e. Final date is the  for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 prized discharge expected date  ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	in the event	of main power los	s. Date require	0.00 equate d is the f comp on	\$0 back up power to e investigation dat iliance.  ng item (except \$0 \$0 \$0 \$0 \$0 \$0	n/a prevent an unautho e. Final date is the  for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 prized discharge expected date  ded costs) \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	in the event	of main power los	s. Date require	0.00 equate d is the force of compensation of	\$0 back up power to envestigation datalliance.  ng item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a prevent an unautho e. Final date is the  for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 prized discharge expected date  ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	in the event	of main power los	s. Date require	0.00 equate d is the force of compensation of	\$0 back up power to envestigation datalliance.  ng item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a prevent an unautho e. Final date is the  for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 prized discharge expected date  ded costs) \$0 \$0 \$0 \$0 \$0 \$0

Screening Date		
	City of O'Donnell	Policy Revision 3 (September 2011)
Case ID No. Reg. Ent. Reference No.		PCW Revision August 3, 2011
Media [Statute]		
Enf. Coordinator	Steve Villatoro	
Violation Number Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and TCEQ Permit No.	W00011126001
Ruie Cite(s)	Monitoring Requirements No. 5	WQUUIIIZUUUI
Violation Description	Failed to conduct, at a minimum, annual calibration of the f measure flow to the land application area, as documented du conducted on December 13, 2011.	No transportation and the second seco
		Base Penalty \$25,000
>> Environmental, Proper	ty and Human Health Matrix	
Release	Harm Major Moderate Minor	
OR Actual		
Potential	Y Percent	3.0%
>>Programmatic Matrix		The state of the s
Falsification	Major Moderate Minor	
	Percent	:0.0%
Human heal	h or the environment will or could be exposed to insignificant a	mounts of pollutants
	ot exceed levels that are protective of human health or environ	
Notes	result of the violation.	
	Adjustment	\$24,250
	Aujusunen	
ocasia and a second		\$750
<b>Violation Events</b>		
Number of	iolation Events 1 30 Number	of violation days
mark only one with an x	daily weekly monthly quarterly semiannual	plation Base Penalty \$750
reasily representation of the second	annual	VALOUR
THE STREET STREET	single event x	ACCOMMENT
*	One single event is recommended.	
Good Faith Efforts to Com		\$0
roomatina de la companya de la compa	Before NOV NOV to EDPRP/Settlement Offer Extraordinary	CONTROL OF THE CONTRO
montpe expenses	Ordinary	The second secon
Account	N/A X (mark with x)	The state of the s
	Notes The Respondent does not meet the good faith of this violation.	criteria for
Veneral proposation of the second sec		Violation Subtotal \$750
Economic Benefit (EB) for	this violation Statut	ory Limit Test
Estimat	ed EB Amount \$565 Violation	Final Penalty Total \$788
	This violation Final Assessed Penalty (	adjusted for limits) \$788

	RN101918548 Water Quality 3					Percent Interest	Years of Depreciation
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	5.0 Onetime Costs	EB Amount
Item Description	No commas or \$	•					
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
				0.00	\$0	n/a	\$0
Remediation/Disposal Permit Costs Other (as needed)	\$500 Estimated of	1-Jan-2012 lelayed cost to ca	31-Aug-2012	0.00 0.67	\$0 \$17		\$0 \$17
Remediation/Disposal Permit Costs	Estimated o	lelayed cost to ca calibration	librate the flow period. Final d	0.00 0.67 meter, ate is the	\$0 \$17 Required date is ne expected date	n/a n/a the first date of the of compliance. for one-time avoid	\$0 \$17 2012 annual led costs)
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal	Estimated o	lelayed cost to ca calibration	librate the flow period. Final d	meter, ate is the ontering of	\$0 \$17 Required date is ne expected date or item (except \$0	n/a n/a the first date of the of compliance. for one-time avoid	\$0 \$17 2012 annual led costs) \$0
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel	Estimated o	lelayed cost to ca calibration	librate the flow period. Final d	0.00 0.67 meter. ate is the entering 0.00 0.00	\$0 \$17 Required date is ne expected date ag item (except \$0 \$0	n/a n/a the first date of the of compliance.  for one-time avoic \$0 \$0	\$0 \$17 2012 annual led costs) \$0 \$0
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel spection/Reporting/Sampling	Estimated o	lelayed cost to ca calibration	librate the flow period. Final d	0.00 0.67 meter. ate is the entering 0.00 0.00 0.00	\$0 \$17 Required date is ne expected date ig item (except \$0 \$0 \$0	n/a n/a the first date of the of compliance.  for one-time avoid \$0 \$0 \$0 \$0	\$0 \$17 2012 annual led costs) \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	Estimated o	lelayed cost to ca calibration	librate the flow period. Final d	0.00 0.67 meter, ate is the entering 0.00 0.00 0.00 0.00	\$0 \$17 Required date is ne expected date sg item (except \$0 \$0 \$0	n/a n/a n/a the first date of the of compliance.  for one-time avoid \$0 \$0 \$0 \$0 \$0	\$0 \$17 2012 annual led costs) \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel respection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated o	lelayed cost to ca calibration	librate the flow period. Final d	0.00 0.67 meter. ate is the 0.00 0.00 0.00 0.00 0.00	\$0 \$17 Required date is ne expected date \$0 \$0 \$0 \$0 \$0	n/a n/a n/a the first date of the of compliance.  for one-time avoic \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$17 2012 annual ded costs) \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated of ANNUAL	lelayed cost to ca calibration IZE [1] avoided	librate the flow period. Final d costs before	0.00 0.67 meter. ate is the entering 0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$17 Required date is ne expected date sg item (except \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a the first date of the of compliance.  for one-time avoic \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$17 2012 annual led costs) \$0 \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated o	lelayed cost to ca calibration IZE [1] avoided	librate the flow period. Final d	0.00 0.67 meter. ate is the 0.00 0.00 0.00 0.00 0.00	\$0 \$17 Required date is ne expected date \$0 \$0 \$0 \$0 \$0	n/a n/a n/a the first date of the of compliance.  for one-time avoic \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$17 2012 annual ded costs) \$0 \$0 \$0 \$0

Screening Date		Docket	No. 2012-0396-MLM-E	PCW
to the second of	City of O'Donnell			Policy Revision 3 (September 2011)
Case ID No.			•	PCW Revision August 3, 2011
Reg. Ent. Reference No.				VOLUME
Media [Statute] Enf. Coordinator				The state of the s
Violation Number				***************************************
Rule Cite(s)	200 200 200 200 200 200 200 200 200 200	305.125(1) and TCEO	Permit No. WQ001112600	1 Special
	_	Provisions No.		
			ge ponds and facultative l	
Violation Description			on December 13, 2011. Some street South So	
		s and facultative lagoor		o storage
	F	-	*	
•				
			Bas	e Penalty \$25,000
>> Environmental, Proper	ty and Human Heal	th Matrix		Control of the Contro
>> Environmental, Proper	ty and numan near	ui Piduia		Commission
Release	Major Moderat	e Minor		
OR Actual			***************************************	
Potential			Percent 0.0%	
NA Programme States				
>> Programmatic Matrix Falsification	Major Moderat	e Minor		
Tulsmedelon	X I		Percent 5.0%	
	<u> </u>			·
Matrix	100% of the p	ermit requirement was	s not met.	
Notes				
Control of the Contro				
			Adjustment	\$23,750
				\$1,250
ŧ				41/255
Violation Events				
Number of V	/iolation Events 3		Number of violation	days
	daily			
	weekly	<del></del>		and the second s
	monthly			
mark only one	quarterly		Violation Bas	e Penalty \$3,750
with an x	semiannual			•
	annual			**************************************
	single event x			NO.
	There steels are the second			
	Three single events are re	commended, one for e	ach pond and lagoon.	
L				
Good Faith Efforts to Comp	alv 6.0	% Reduction		\$0
	Before NO	CONTRACTOR DESCRIPTION OF THE PROPERTY OF THE	ent Offer	
	Extraordinary			www.
	Ordinary			
	N/A x	(mark with x)	النسيد	***************************************
	Notes The Respo		the good faith criteria for	
		this violation	on.	
	<b>1</b>			
			Violation	Subtotal \$3,750
E	41:			
Economic Benefit (EB) for	this violation		Statutory Limit	. rest
Estimate	ed EB Amount	\$4]	Violation Final Pen	alty Total \$3,938
,				
	This	violation Final Asses	sed Penalty (adjusted f	or limits) \$3,938

	E L	JOHOHHIC :	benent	WO	rksheet		
Respondent		ell		20000227-27-427-2070			
Case ID No.							
Reg. Ent. Reference No.	1						ie:
	Water Quality					<b>Percent Interest</b>	Years of Depreciation
Violation No.	4		2005				•
						5.0	15
	and the second of the second o	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Delayeu Costs Equipment	<u> </u>	ı		0.00	\$0	\$0	\$0
Buildings				0.00	\$0 \$0	\$0	\$0 \$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	4100	CARREST COMPANY OF COMPANY OF COMPANY	ACTOR TO THE TOTAL PROPERTY OF THE PROPERTY OF	THE RESERVE THE PARTY OF THE PA			
Other (as needed)	\$100	13-Dec-2011			\$4	n/a	\$4 Is the date of
Notes for DELAYED costs	Estimated de	elayed cost to sub the investi	mit certification gation. Final d	i docum ate is ti	nentation to the TO ne expected date o	CEQ. Required date of compliance.	is the date of
Notes for DELAYED costs  Avoided Costs	Estimated de	elayed cost to sub the investi	mit certification gation. Final d	i docum ate is ti en <b>teri</b> r	nentation to the To ne expected date on ng item (except	CEQ. Required date of compliance.	is the date of
Notes for DELAYED costs  Avoided Costs  Disposal	Estimated de	elayed cost to sub the investi	mit certification gation. Final d	docum ate is the enterination	nentation to the To ne expected date of ng Item (except \$0	CEQ. Required date of compliance.  for one-time avoid \$0	is the date of led costs)
Notes for DELAYED costs  Avoided Costs  Disposal Personnel	Estimated de	elayed cost to sub the investi	mit certification gation. Final d	documate is the open of the op	nentation to the Tone expected date of the expected date of the except \$0 \$0	CEQ. Required date of compliance.  for one-time avoid \$0 \$0	is the date of  led costs)  \$0  \$0
Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	Estimated de	elayed cost to sub the investi	mit certification gation. Final d	enterio	nentation to the Tone expected date of the expected	CEQ. Required date of compliance.  for one-time avoid \$0 \$0 \$0 \$0	is the date of  led costs) \$0 \$0 \$0
Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	Estimated de	elayed cost to sub the investi	mit certification gation. Final d	enterir 0.00 0.00 0.00	nentation to the Tone expected date of the state of the s	CEQ. Required date of compliance.  for one-time avoid \$0 \$0 \$0 \$0	is the date of   
Avoided Costs  Avoided Costs  Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated de	elayed cost to sub the investi	mit certification gation. Final d	enterir 0.00 0.00 0.00 0.00 0.00	nentation to the Tone expected date of the expected date of the except so	CEQ. Required date of compliance.  for one-time avoid \$0 \$0 \$0 \$0	is the date of     led costs     \$0   \$0   \$0   \$0   \$0
Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	Estimated de	elayed cost to sub the investi	mit certification gation. Final d	enterir 0.00 0.00 0.00	nentation to the Tone expected date of the state of the s	CEQ. Required date of compliance.  for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	is the date of   
Avoided Costs  Avoided Costs  Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated de	elayed cost to sub the investi	mit certification gation. Final d	enterir 0.00 0.00 0.00 0.00 0.00	nentation to the Tone expected date of the except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	CEQ. Required date of compliance.  for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	sthe date of
Avoided Costs  Avoided Costs  Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated de	elayed cost to sub the investi	mit certification gation. Final d	enterir 0.00 0.00 0.00 0.00 0.00	nentation to the Tone expected date of the except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	CEQ. Required date of compliance.  for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	sthe date of

Respondent City of O'Domell Case ID No. 4375 Roy, Ent. Reference No. RN101918548 Reg. Ent. Reference No. RN101918548 Media (Statute) Water Quality Enf. Coordinator Violation Number    Violation Description	Screening Date		Dock	et No. 2012-0396-MLM-E	PCW
Reg. Ent. Reference No. RN.101918348 Media [Statutes] water Quality Enf. Coordinator Steve Villation Violation Number   Serve Villation   Violation Description   Steve Villation   Violation Description   Serve Villation   Failed to timely submit the annual soil sampling report for the land application area   by September 30, 2011, so documented during an investigation conducted on   December 13, 2011.    Serve Villation Description		-			
Media   Estatute   Water Quality					PCW Revision August 3, 2011
Fail Coordinator Steve Villation   Violation Number   Steve Villation   Violation Number   Steve Villation   Violation Number   Steve Villation   Violation   Steve Villation   Steve Villatio					and the second s
Rule Cite(s)  30 Tex. Admin. Code § 305.125(1) and TCCP, Permit No. WQ0011126001 Special Provisions No. 10  Violation Description  Falled to timely submit the annual seal sampling report for the land application area by September 30, 2011, as documented during an investigation conducted on Description  Page Penalty  \$25,000  September 30, 2011, as documented during an investigation conducted on Description Conducted O					
Provisions No. 10   Provisions No. 10					
Failed to timely submit the annual set sampling report for the land application area by September 30, 2011, as documented during an investigation conducted on December 13, 2013.    Base Penalty	Rule Cite(s)	30 Tex. Admin. 0			1 Special
Violation Description   By September 30, 2011, as documented during an investigation conducted on December 13, 2011.    Base Penalty   \$25,000			FIOVISIONS	<b>*0.</b> 10	
>> Environmental, Property and Human Health Matrix   Harm   Release   Major   Moderate   Minor   Percent   0.0%	Violation Description		30, 2011, as documented of	during an investigation conducts, 2011.	cted on
OR Release Major Moderate Minor Actual Potential Percent 0.0%  >>Programmatic Matrix Falsification Major Moderate Minor Falsification Major Moderate Major M				Bas	e Penalty \$25,000
Release Major Moderate Minor Actual Potential Percent 0.0%  >>Programmatic Matrix Falsification Major Moderate Minor Falsification Major Moderate Minor Falsification Major Moderate Minor Falsification Major Moderate Minor  At least 70% of the permit requirement was met, Notes  Adjustment \$24,750  \$250  Violation Events  Number of Violation Events 1 30 Number of violation days  daily weekly monthly quarterly semiannual armush an x  semiannual armush single event x  One single event is recommended.  Good Faith Efforts to Comply  Extraordinary Ordinary N/A (mark with x) Notes  Feronomic Benefit (EB) for this violation  Statutory Limit Test  Estimated EB Amount \$1 Violation Final Penalty Total \$263	>> Environmental, Proper	ty and Human	Health Matrix		The second secon
Percent 0.0%  > Programmatic Matrix Falsification Major Moderate Minor Falsification Major Moderate Minor Falsification Major Moderate Minor  At least 70% of the permit requirement was met.  Notes  Adjustment \$24,750  \$250  Violation Events  Number of Violation Events 3 30 Number of violation days  daily weekly weekly monthly quarterly semiannual single event is recommended.  One single event is recommended.  Good Faith Efforts to Comply 0.0% Reduction 90  Extraordinary Ordinary N/A X (mark with x)  Notes  The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$250  Economic Benefit (EB) for this violation \$250  Estimated EB Amount \$1 Violation Final Penalty Total \$263	Pologo	Major I			
>> Programmatic Matrix Falsification Major Moderate Minor  Matrix Notes  At least 70% of the permit requirement was met.  Adjustment  \$24,750  \$250  Violation Events  Number of Violation Events  Number of Violation Events  Number of Violation Events  Mark only one with an x  guarterly weekly monthly quarterly semiannual annual single event is recommended.  One single event is recommended.  Good Faith Efforts to Comply  Cordinary  Ordinary  Ordinary  N/A  Notes  The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal  \$250  Violation Subtotal  \$250  Economic Benefit (EB) for this violation  Statutory Limit Test  Estimated EB Amount  \$1  Violation Final Penalty Total  \$263			-louerace Pillion		
Matrix   Notes	Potential			Percent 0.0%	
Matrix   Notes					
Matrix Notes  At least 70% of the permit requirement was met.  Adjustment  \$24,750  \$250  Violation Events  Number of Violation Events  Number of Violation Events  Number of Violation Events  Adjustment  \$24,750  \$250  Violation Events  Number of Violation Events  Weekly weekly weekly weekly weekly weekly weekly semiannual annual single event is recommended.  One single event is recommended.  Good Faith Efforts to Comply  One single event is recommended.  Some Defore NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A (mark with x) Notes The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$250  Economic Benefit (EB) for this violation  Statutory Limit Test  Estimated EB Amount \$1 Violation Final Penalty Total \$263		Major I	Moderate Minor		
Notes  Adjustment \$24,750  \$250  Violation Events  Number of Violation Events  One single event year annual annual single event x  One single event is recommended.  Good Faith Efforts to Comply  One single event is recommended.  Good Faith Efforts to Comply  One single event is recommended.  Fixtraordinary  Ordinary  Ordinary  N/A  Notes  The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal  \$250  Economic Benefit (EB) for this violation  Statutory Limit Test  Estimated EB Amount  \$1  Violation Final Penalty Total  \$263				Percent 1.0%	SECOND CONTRACTOR CONT
Notes  Adjustment \$24,750  \$250  Violation Events  Number of Violation Events  One single event year annual annual single event x  One single event is recommended.  Good Faith Efforts to Comply  One single event is recommended.  Good Faith Efforts to Comply  One single event is recommended.  Fixtraordinary  Ordinary  Ordinary  N/A  Notes  The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal  \$250  Economic Benefit (EB) for this violation  Statutory Limit Test  Estimated EB Amount  \$1  Violation Final Penalty Total  \$263					
Adjustment \$24,750  \$250  Violation Events  Number of Violation Events 1 30 Number of violation days  daily weekly monthly quarterly semiannual annual single event   x   x   x   x   x   x   x   x   x	Matrix	At land	700/ of the namet require	mant was mot	
Violation Events  Number of Violation Events  1 30 Number of violation days  dally weekly weekly guarterly semianual annual single event   x  One single event is recommended.  Good Faith Efforts to Comply  Extraordinary Ordinary Ordinary N/A Notes  Notes  The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$250  Economic Benefit (EB) for this violation  Statutory Limit Test  Estimated EB Amount \$1 Violation Final Penalty Total \$263	Notes	At least	70% of the permit require	ment was met.	
Violation Events  Number of Violation Events  1 30 Number of violation days  dally weekly weekly guarterly semianual annual single event   x  One single event is recommended.  Good Faith Efforts to Comply  Extraordinary Ordinary Ordinary N/A Notes  Notes  The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$250  Economic Benefit (EB) for this violation  Statutory Limit Test  Estimated EB Amount \$1 Violation Final Penalty Total \$263					
Number of Violation Events    Number of Violation Events   1				Adjustment	\$24,750
Number of Violation Events    Number of Violation Events   1					\$250
Number of Violation Events 1 30 Number of violation days    Maily   Weekly   Meekly					
Mark only one with an x   Mark only semiannual annual single event   X   Mark only one single event   X   Mark one single event   X   Mark only one single event   X   Mark one single event   X   Mark only one single event   X   Mark one s	Violation Events				
Mark only one with an x   Mark only semiannual annual single event   X   Mark only one single event   X   Mark one single event   X   Mark only one single event   X   Mark one single event   X   Mark only one single event   X   Mark one s	Number of N	/iolation Events		30 Number of violation	davs
weekly monthly quartily semiannual annual single event   X					
mark only one with an x    Comparison of the with an x   Seminary					regression and the second
Good Faith Efforts to Comply  One single event is recommended.  One single event is recommended.  One single event is recommended.  September 1		· ·			
Good Faith Efforts to Comply  One single event is recommended.  One single event is recommended.  One single event is recommended.  Statutory Stat		l de la companya de l		Violation Bas	e Penalty \$250
One single event is recommended.  Good Faith Efforts to Comply  O.0% Reduction  Before NOV NOV to EDPRP/Settlement Offer  Extraordinary Ordinary N/A x (mark with x)  The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$250  Economic Benefit (EB) for this violation  Statutory Limit Test  Estimated EB Amount \$1 Violation Final Penalty Total \$263	With all X	semiannual			-
Good Faith Efforts to Comply  O.0% Reduction  Before NOV NOV to EDPRP/Settlement Offer  Extraordinary Ordinary N/A x (mark with x)  The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$250  Economic Benefit (EB) for this violation \$100 Violation Final Penalty Total \$263		The same of the sa			
Good Faith Efforts to Comply  Before NOV NOV to EDPRP/Settlement Offer  Extraordinary Ordinary N/A x (mark with x)  The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$250  Economic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$1 Violation Final Penalty Total \$263		Single event			***************************************
Good Faith Efforts to Comply  Before NOV NOV to EDPRP/Settlement Offer  Extraordinary Ordinary N/A x (mark with x)  The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$250  Economic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$1 Violation Final Penalty Total \$263					
Extraordinary Ordinary N/A X (mark with x)  Notes The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$250  Economic Benefit (EB) for this violation \$ Statutory Limit Test  Estimated EB Amount \$1 Violation Final Penalty Total \$263		(	One single event is recomm	iended.	
Extraordinary Ordinary N/A x (mark with x)  Notes The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$250  Economic Benefit (EB) for this violation \$ Statutory Limit Test  Estimated EB Amount \$1 Violation Final Penalty Total \$263	L				
Extraordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$250  Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$1 Violation Final Penalty Total \$263	<b>Good Faith Efforts to Com</b>	ply	0.0% Reduction		\$0
Ordinary  N/A		Tanana and Tanana	Before NOV NOV to EDPRP/Sett	lement Offer	
N/A x (mark with x)  Notes The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$250  Economic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$1 Violation Final Penalty Total \$263		-		<del></del>	
Notes The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$250  Economic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$1 Violation Final Penalty Total \$263		-	x (mark with x)		
This violation.  Violation Subtotal \$250  Economic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$1 Violation Final Penalty Total \$263					447
Economic Benefit (EB) for this violation  Statutory Limit Test  Estimated EB Amount \$1 Violation Final Penalty Total \$263		Notes			
Estimated EB Amount \$1 Violation Final Penalty Total \$263				Violation	Subtotal \$250
Estimated EB Amount \$1 Violation Final Penalty Total \$263	Economic Benefit (EB) for	this violation		Statutory Limit	Test
	and the state of t				
This violation Final Assessed Penalty (adjusted for limits) \$263	Estillati	-u LD AIIVUIIL			-
			This violation Final Ass	sessed Penalty (adjusted f	or limits) \$263

	L.,	conomic	Benefit	WO	rksheet		100
Respondent	City of O'Donr	nell					
Case ID No.	43375						
eg. Ent. Reference No.	RN101918548	1					
Media	Water Quality						Years of
Violation No.						Percent Interest	Depreciation
					12.5	5.0	15
	Item Cost	<b>Date Required</b>	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	100	8.5 F				
Delayed Costs							
Equipment		1		0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction			6	0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
				0.00	\$0	n/a	\$0
Training/Sampling							
Training/Sampling Remediation/Disposal				0.00	\$0	n/a	\$0
				0.00	\$0 \$0	n/a n/a	\$0 \$0
Remediation/Disposal	\$100 Estimated de	30-Sep-2011		0.00 0.28	\$0 \$1	n/a n/a	\$0 \$1
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs	Estimated de	elayed cost to sub the report w	mit the annual s as due. Final d	0.00 0.28 soil sam ate is ti	\$0 \$1 ipling report to the he date the report	n/a n/a TCEQ. Date requir was submitted.	\$0 \$1 red is the date
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs	Estimated de	elayed cost to sub the report w	mit the annual s as due. Final d	0.00 0.28 soil sam ate is the	\$0 \$1 upling report to the he date the report ng item (except)	n/a n/a TCEQ. Date requir was submitted. for one-time avoid	\$0 \$1 red is the date
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal	Estimated de	elayed cost to sub the report w	mit the annual s as due. Final d	0.00 0.28 soil sam ate is the	\$0 \$1 upling report to the the date the report ag item (except \$0	n/a n/a e TCEQ. Date requir was submitted. for one-time avoid	\$0 \$1 red is the date led costs) \$0
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel	Estimated de	elayed cost to sub the report w	mit the annual s as due. Final d	0.00 0.28 soil samate is the entering 0.00 0.00	\$0 \$1 appling report to the the date the report ag item (except 1 \$0 \$0	n/a n/a TCEQ. Date require was submitted.  for one-time avoid \$0 \$0	\$0 \$1 red is the date ded costs) \$0 \$0
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel aspection/Reporting/Sampling	Estimated de	elayed cost to sub the report w	mit the annual s as due. Final d	0.00 0.28 soil samate is the entering 0.00 0.00 0.00	\$0 \$1 inpling report to the he date the report so \$0 \$0 \$0	n/a n/a  TCEQ. Date require was submitted.  for one-time avoid \$0 \$0 \$0 \$0	\$0 \$1 red is the date led costs) \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment	Estimated de	elayed cost to sub the report w	mit the annual s as due. Final d	0.00 0.28 soil samate is the entering 0.00 0.00 0.00 0.00	\$0 \$1 inpling report to the he date the report so \$0 \$0 \$0	n/a n/a n/a e TCEQ. Date require was submitted.  for one-time avoid \$0 \$0 \$0 \$0 \$0	\$0 \$1 red is the date ded costs) \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated de	elayed cost to sub the report w	mit the annual s as due. Final d	0.00 0.28 soil samate is the entering 0.00 0.00 0.00 0.00	\$0 \$1 inpling report to the he date the report \$0 \$0 \$0 \$0 \$0	n/a n/a n/a TCEQ. Date requirements was submitted.  for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$1 red is the date led costs) \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel respection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated de	elayed cost to sub the report w	mit the annual s as due. Final d	0.00 0.28 soll samate is the entering 0.00 0.00 0.00 0.00 0.00	\$0 \$1 inpling report to the he date the report so \$0 \$0 \$0	n/a n/a n/a e TCEQ. Date require was submitted.  for one-time avoid \$0 \$0 \$0 \$0 \$0	\$0 \$1 red is the date ded costs) \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated de	elayed cost to sub the report w	mit the annual s as due. Final d	0.00 0.28 soil samate is the entering 0.00 0.00 0.00 0.00	\$0 \$1 upling report to the the date the report s0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a  a TCEQ. Date requirements was submitted.  for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$1 red is the date led costs) \$0 \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated de	elayed cost to sub the report w	mit the annual s as due. Final d	0.00 0.28 soll samate is the entering 0.00 0.00 0.00 0.00 0.00	\$0 \$1 upling report to the the date the report s0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a  a TCEQ. Date requirements was submitted.  for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$1 red is the date led costs) \$0 \$0 \$0 \$0 \$0

Screen	ing Date	12-Jan-2012	Docl	cet No. 2012-0396-MLM-E	PCW
Exercise the control of the control		City of O'Donnel	l		Policy Revision 3 (September 2011)
	e ID No.				PCW Revision August 3, 2011
Reg. Ent. Refere					nk (il) or case
		Water Quality Steve Villatoro			nukratelelek
But Cartic Services (1) for Cartic Contract C	n Number				
	ule Cite(s)		lmin. Code § 305.125(1) and	d 305.125(5) and TCEQ Permi	t No.
* Antique of the state of the s	, ,			s No. 1 and Special Provisions	
Yanan yana da		Failed to ensure	e that all systems of collection	n, treatment, and disposal are	properly
in the second se				during an investigation condu	
Violation D	escription			t erosion was noted along the	
School State of the State of th		of the irrigatio	n holding pond and the pond two fe	d did not have a minimum free	board of
- Indiana - Indi			awo ic	St.	
12				Dae	e Penalty \$25,000
And the second s				DdS	e Penalty \$25,000
>> Environmenta	l, Proper	ty and Huma	ın Health Matrix		or account
			Harm		Westerday
OR	Release Actual	Major	Moderate Minor		· moderation
UK	Potential		x	Percent 5.0%	VALAMINISTE
		I		L	and the second s
>>Programmatic					THE PROPERTY OF THE PROPERTY O
F	alsification	Major	Moderate Minor	B	
L		LL		Percent 0.0%	SURFERINA
	Human hea	Ith or the enviror	ment will or could be exposi	ed to significant amounts of po	illutants
Matrix wh			<b>10.0</b> 50.000.000.000.000.000.050.050.000.00	n health or environmental rece	cness100000000000000 <b>00</b>
Notes			result of the violation		
<u> </u>					
				Adjustment	\$23,750
Proportional Proportion					\$1,250
Violation Events					
and the state of t	Number of \	/iolation Events		30 Number of violation	davs
· ·					
		daily			
voineestasta.		weekly			November 1
m	ark only one	monthly		Visintian Bac	e Penalty \$1,250
And the second s	with an x	quarterly semiannual	X	Violation Bas	e Penalty \$1,230
		annual			
odowa i governa		single event			Taman Maria
	one quarterl	y event is recom	mended from the date of the	investigation (December 13,	2011) to
		th	e date of screening (January	12, 2012).	
<b>Good Faith Efforts</b>	s to Com	ply	0.0% Reduction		\$0
		E. tura undia anno 15	Before NOV NOV to EDPRP/Set	tlement Offer	TO AND
		Extraordinary			r
		Ordinary	X (mark with x)		
		N/A]L	X J(mark with x)		
		Notes		eet the good faith criteria for	
e-referendances			this vi	olation.	
COLUMN TO THE PARTY OF THE PART		100			
· ·				Violation	Subtotal \$1,250
<b>Economic Benefit</b>	(EB) for	this violation	1	Statutory Limi	t Test
_continue benefit	Salata Articology Statement Comments Statement Comm				
The state of the s	Estimate	ed EB Amount	\$200	Violation Final Pen	alty Total \$1,313
-			This violation Final As	sessed Penalty (adjusted i	for limits) \$1,313
				,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	1-1

	E	conomic	<b>Benefit</b>	Wo	rksheet	400	The state of
Respondent	City of O'Donr	nell					
Case ID No.	43375						
g. Ent. Reference No.	RN101918548	3					
Media	Water Quality					Percent Interest	Years of
Violation No.	6					reitein mierest	Depreciation
				3		5.0	15
	Item Cost	<b>Date Required</b>	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$					10 Sept. 10	
Delayed Costs			,				
Equipment				0.00		\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land		-		0.00	\$0	n/a	<u>\$0</u>
Record Keeping System				0.00	\$0 \$0	n/a	\$0 \$0
Training/Sampling	\$5,000	13-Dec-2011	20 Con 2012	0.80	\$200	n/a n/a	\$200
Remediation/Disposal Permit Costs	\$5,000	13-Dec-2011	30-360-2012	0.00	\$200	n/a	\$200 \$0
Other (as needed)		╬────		0.00	\$0 \$0	n/a	\$0 \$0
Notes for DELAYED costs	maintained.	Required date is t	he date of the in	ivestig	ation. Final date is	minimum freeboard s the expected date	of compliance.
Avoided Costs	ANNUAL	IZE [1] avoided	costs before			for one-time avoid	•
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
spection/Reporting/Sampling				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Supplies/equipment				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Financial Assurance [2] ONE-TIME avoided costs [3]		₩		0.00	\$0	\$0 \$0	\$0 \$0
Other (as needed)				0.00	\$0	\$0 \$0	\$0
Other (as needed)				LUIUV	. <u>20</u>	1 40 1	30
Notes for AVOIDED costs							

Screening Date		Docket	<b>t No.</b> 2012-0396-MLM-E		PCW
the state of the s	City of O'Donnell			Policy Revision 3 (	September 2011)
Case ID No.	0			PCW Revisio	on August 3, 2011
Reg. Ent. Reference No.					
Media [Statute] Enf. Coordinator				•	
Violation Number					
Rule Cite(s)	Manager and the second	s 8 305 125/1\ and T0	CEQ Permit No. WQ00111	26001	
Rule Cite(s)	JO TEAL ACHINIL COCC	Operational Requiren		20001	
Violation Description	investigation conducted located at 13th Street a Standefer; and Lift Sta	ollection system lift st d on December 13, 20 nd Bladrige; Lift Statio ation No. 3, located at	ations, as documented du 11. Specifically, Lift Station No. 2, located at 10th Station 5 9th Street and Nassau; which is the hatches to the wet we decured.	on No. 1, Street and vere not ells were	
			Ba	se Penalty	\$25,000
>> Environmental, Proper	dy and Human Healt	th Matrix			
	Harm				
Release	Major Moderate	e Minor			
OR Actual			<del>pin</del>	7	
Potential	X		Percent 15.0%	1	
>Programmatic Matrix Falsification	Major Moderate	e Minor			
Paisincacion	major moderac	e Minor	Percent 0.0%	1.	
	<u> </u>		Vercenc 0.070	1	
11	n or the environment will or			SERVERSESSESSESSESSESSESSESSESSESSESSESSESSE	
Notes that are p	protective of human health	or environmental rece	eptors as a result of the vic	olation.	
			Adjustment	\$21,250	
					\$3,750
Calabia Franks					
iolation Events					
Number of V	/iolation Events 3		Number of violation	ı davs	
mark only one with an x	daily weekly monthly quarterly semiannual annual single event		Violation Ba	se Penalty	\$11,250
	nonthly events are recomm stigation (December 13, 20				
Good Faith Efforts to Com	nly 0.0	% Reduction			\$0
2000 Fater Entries to Com	Before NO		nent Offer		
	Extraordinary				
	Ordinary				
	N/A X	(mark with x)			
				1	
	Notes The Respo		the good faith criteria for		
		this violat	non,		
	l-			ш	
			Violatio	n Subtotal	\$11,250
Economic Benefit (EB) for	this violation		Statutory Limi	t Test	
			manufarma diben haman ang ang ang ang ang ang ang ang ang a	h	
Estimat	ed EB Amount	\$504	Violation Final Per	alty Total	\$11,813
	Thie :	violation Final Asse	ssed Penalty (adjusted	for limits)	\$11.813

		conomic	Benefit	Wo	rksheet		
Respondent	t City of O'Donr	nell		25.25.25.25.25.25.25.25.25.25.25.25.25.2			
Case ID No	43375						
ea. Ent. Reference No	. RN101918548	<b>;</b>					
Media	Water Quality						Years of
Violation No	. 7					Percent Interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment		1 1		0.00	\$0	so 1	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$9.000	13-Dec-2011	30-Sep-2012	0.80	\$24	\$480	\$504
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)			ERMANDON NAMED AND ADDRESS OF THE PARTY OF T				
		<u> </u>		0.00	\$0	<u> n/a l</u>	\$0
Notes for DELAYED costs		investig	ation. Final dat	ions (\$ e is the	3,000/lift station). expected date of	Required date is th compliance.	e date of the
Avoided Costs		investig	ation. Final dat	ions (\$ e is the enterir	3,000/lift station). expected date of	Required date is th compliance.	e date of the
Avoided Costs		investig	ation. Final dat	ions (\$: e is the enterin	3,000/lift station). expected date of	Required date is th compliance.  for one-time avoid \$0	le date of the
Avoided Costs Disposal Personnel		investig	ation. Final dat	enterii	3,000/lift station). expected date of  ing item (except   \$0   \$0	Required date is th compliance.  for one-time avoid \$0 \$0	le date of the
Avoided Costs Disposal Personnel aspection/Reporting/Sampling		investig	ation. Final dat	enterin 0.00 0.00 0.00	3,000/lift station). expected date of  ng item (except   \$0 \$0 \$0	Required date is th compliance.  for one-time avoid \$0 \$0 \$0 \$0	led costs) \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel aspection/Reporting/Sampling Supplies/equipment		investig	ation. Final dat	enterir 0.00 0.00 0.00 0.00	3,000/lift station). expected date of  ing item (except  \$0  \$0  \$0  \$0  \$0	Required date is the compliance.  for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	led costs) \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]		investig	ation. Final dat	enteria 0.00 0.00 0.00 0.00 0.00	3,000/lift station). expected date of  g item (except \$0 \$0 \$0 \$0 \$0 \$0	Required date is th compliance.  for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	led costs) \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		investig	ation. Final dat	enterin 0.00 0.00 0.00 0.00 0.00 0.00 0.00	3,000/lift station). expected date of  so	Required date is th compliance.  for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]		investig	ation. Final dat	enteria 0.00 0.00 0.00 0.00 0.00	3,000/lift station). expected date of  g item (except \$0 \$0 \$0 \$0 \$0 \$0	Required date is th compliance.  for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	led costs) \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		investig	ation. Final dat	enterin 0.00 0.00 0.00 0.00 0.00 0.00 0.00	3,000/lift station). expected date of  so	Required date is th compliance.  for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		investig	ation. Final dat	enterin 0.00 0.00 0.00 0.00 0.00 0.00 0.00	3,000/lift station). expected date of  so	Required date is th compliance.  for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		investig	ation. Final dat	enterin 0.00 0.00 0.00 0.00 0.00 0.00 0.00	3,000/lift station). expected date of  so	Required date is th compliance.  for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		investig	ation. Final dat	enterin 0.00 0.00 0.00 0.00 0.00 0.00 0.00	3,000/lift station). expected date of  so	Required date is th compliance.  for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		investig	ation. Final dat	enterin 0.00 0.00 0.00 0.00 0.00 0.00 0.00	3,000/lift station). expected date of  so	Required date is th compliance.  for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date		Docket No. 2012-0396-MLM-E	PCW
t and the second of the second	City of O'Donnell		Policy Revision 3 (September 2011)
Case ID No. Reg. Ent. Reference No.			PCW Revision August 3, 2011
Media [Statute]			Annacement
Enf. Coordinator			and the second s
Violation Number Rule Cite(s)	Phone and the second se		
Rule Cite(s)		30 Tex. Admin. Code § 330.9(a)	
Violation Description	any municipal solid wast December 13, 2011. Spe waste, consisting of tree li	tion prior to storing, processing, removing, or di te, as documented during an investigation cond ecifically, an estimated 7,500 cubic feet of muni imbs, mattresses, children's toys, and construct were being stored at the Facility.	ucted on cipal solid
		Bas	se Penalty \$25,000
>> Environmental, Proper		h Matrix	*
Release	Harm Major Moderate	e Minor	
OR Actual	r		
Potential		Percent 0.0%	
>>Programmatic Matrix			and a second
Falsification	Major Moderate		1
	<u> </u>	Percent 5.0%	OA-BIDANNING THE
Matrix Notes	100% of the r	rule requirement was not met.	
		Adjustment	\$23,750
			\$1,250
			\$1,230
Violation Events	1000		
Number of V	iolation Events 1	3 Number of violation	days
TO THE PROPERTY OF THE PROPERT	J-3		The second secon
mark only one with an x	daily weekly monthly quarterly semiannual annual single event	Violation Bas	se Penalty \$1,250
One monthly		n the investigation date (December 13, 2011) t ince (December 16, 2011).	o the date
Good Faith Efforts to Com	ply 25.0°	% Reduction	\$312
	Before NOV		· · · · · · · · · · · · · · · · · · ·
oo waxaa aa	Extraordinary X		THE PROPERTY OF THE PROPERTY O
diceananne	Ordinary x N/A	(mark with x)	
	Notes The Respon	ndent returned to compliance by December 16, 2011.	
To the second se		Violation	Subtotal \$938
Economic Benefit (EB) for	this violation	Statutory Limi	t Test
Estimate	ed EB Amount	\$0 Violation Final Pen	alty Total \$1,001
10-years	This v	riolation Final Assessed Penalty (adjusted t	for limits) \$1,001

100	E	conomic	Benefit	Wo	rksheet		Marine Street
Respondent Case ID No. Reg. Ent. Reference No. Media	43375					. Percent Interest	Years of
Violation No.	8					Percent Interest	Depreciation
			100	16.	100	5.0	15
	Item Cost	<b>Date Required</b>	Final Date	Yrs	<b>Interest Saved</b>	Onetime Costs	EB Amount
Item Description	No commas or \$		400				
				00000000000000000000000000000000000000			
Delayed Costs				a			
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)		l section and the section and		0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$175	13-Dec-2011	16-Dec-2011	0.01	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs		·	date. Final da	e is th	e date of complian		
Avoided Costs	ANNUAL	IZE [1] avoided	costs before	-		for one-time avoid	
Disposal				0.00	\$0	\$0	\$0
Personnel		<b> </b>		0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0 *2	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)		<u> </u>		0.00	\$0	\$0	\$0
Notes for AVOIDED costs			Mining Section 2			A CONTROL OF THE STATE OF THE S	
Approx. Cost of Compliance		\$175			TOTAL		\$0

Compliance History Customer/Respondent/Owner-Operator: CN600655294 City of O'Donnell Classification: Rating: 0.50 **AVERAGE** Regulated Entity: RN101918548 CITY OF ODONNELL Classification: AVERAGE Site Rating: 0.50 ID Number(s): WASTEWATER PERMIT WQ0011126001 WASTEWATER LICENSING LICENSE WQ0011126001 Location: located immediately west of the intersection of United States Highway 87 and Farm-to-Market Road 2053 in Lynn County, Texas TCEQ Region: **REGION 02 - LUBBOCK** Date Compliance History Prepared: January 13, 2012 Agency Decision Requiring Compliance History: Enforcement Compliance Period: January 13, 2007 to January 13, 2011 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History Name: Steve Villatoro Phone: (512) 260-7158 **Site Compliance History Components** 1. Has the site been in existence and/or operation for the full five year compliance period? 2. Has there been a (known) change in ownership/operator of the site during the compliance period? NO 3. If YES, who is the current owner/operator? N/A 4. If YES, who was/were the prior owner(s)/operator(s)? N/A 5. If YES, when did the change(s) in owner or operator occur? N/A Rating Date: 9/1/2011 Repeat Violator: NO Components (Multimedia) for the Site: Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government. B. Any criminal convictions of the state of Texas and the federal government. C. Chronic excessive emissions events. N/A D. The approval dates of investigations. (CCEDS Inv. Track, No.) 02/07/2008 (617113)03/10/2009 (737788)3 02/22/2010 (792853)04/07/2010 (798233)06/28/2010 (828491)Written notices of violations (NOV). (CCEDS Inv. Track. No.) E.

Date: 02/26/2010 (792853)

CN600655294

Self Report? NO Classification:

30 TAC Chapter 305, SubChapter F 305.125(1)

Special Provision 3 PERMIT

Description: NO

Failure to maintain the influent flow meter in an operational condition.

Self Report?

Classification:

Minor

Citation:

Citation:

30 TAC Chapter 317 317.3(a)

Description:

Fallure to maintain Lift Station Number 1 (13th Street and Baldridge), Lift Station Number 2 (10th Street and Standefer), and Lift Station Number 3 (9th Street and

Nassau) in an intruder resistant manner.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

MIL

Participation in a voluntary pollution reduction program.

NI/

J. Early compliance.

N/A

Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
CITY OF O'DONNELL	§	
RN101918548	§	ENVIRONMENTAL QUALITY

### AGREED ORDER DOCKET NO. 2012-0396-MLM-E

### I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of O'Donnell ("the Respondent") under the authority of Tex. Health & Safety Code ch. 361 and Tex. Water Code chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

- 1. The Respondent owns and operates a wastewater treatment plant located immediately west of the intersection of United States Highway 87 and Farm-to-Market Road 2053 in Lynn County, Texas (the "Facility").
- 2. The Facility adjoins, is contiguous with, surrounds, or is near or adjacent to water in the state as defined in Tex. Water Code § 26.001(5).
- 3. The Facility involves or involved the management of municipal solid waste ("MSW") as defined in Tex. Health & Safety Code ch. 361.
- 4. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 5. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about December 27, 2012.
- 6. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

7. An administrative penalty in the amount of Twenty-Six Thousand Nine Hundred Eighty-Eight Dollars (\$26,988) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Six Hundred Twenty-Six Dollars (\$626) of the administrative penalty and Five Thousand Three Hundred Ninety-Seven Dollars (\$5,397) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Twenty Thousand Nine Hundred Sixty-Five Dollars (\$20,965) of the administrative penalty shall be payable in 35 monthly payments of Five Hundred Ninety-Nine Dollars (\$599) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

- 8. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 9. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 10. The Executive Director recognizes that the Respondent has implemented the following corrective actions at the Facility:
  - a. On December 16, 2011, contracted with Republic Services to remove and properly dispose of MSW from the Facility; and
  - b. By January 12, 2012:
    - i. Submitted the 2011 annual soil sampling report for the land application area; and
    - ii. Secured the hatches to the wet wells at Lift Station Nos. 1, 2, and 3.
- 11. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 12. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

13. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

### II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

- 1. Failed to employ or contract a wastewater treatment facility operator holding the appropriate level of license, in violation of 30 Texas Admin. Code §§ 30.350(d) and 305.125(1) and TCEQ Permit No. WQ0011126001 Special Provisions No. 2, as documented during an investigation conducted on December 13, 2011.
- 2. Failed to maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures, in violation of 30 Tex. ADMIN. CODE § 305.125(1) and 305.125(5) and TCEQ Permit No. WQ0011126001 Operational Requirements No. 4, as documented during an investigation conducted on December 13, 2011. Specifically, the Facility's lift stations are not equipped with an electrical quick connect to receive power from the back up generators.
- 3. Failed to conduct, at a minimum, annual calibration of the flow meter used to measure flow to the land application area, in violation of 30 Tex. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0011126001 Monitoring Requirements No. 5, as documented during an investigation conducted on December 13, 2011.
- 4. Failed to submit liner certifications for the storage ponds and facultative lagoon, in violation of 30 Tex. Admin. Code § 305.125(1) and TCEQ Permit No. WQ0011126001 Special Provisions No. 13, as documented during an investigation conducted on December 13, 2011. Specifically, the Respondent has not submitted liner certification documents for the two storage ponds and facultative lagoon at the Facility.
- 5. Failed to timely submit the annual soil sampling report for the land application area by September 30, 2011, in violation of 30 Tex. Admin. Code § 305.125(1) and TCEQ Permit No. WQ0011126001 Special Provisions No. 10, as documented during an investigation conducted on December 13, 2011.
- 6. Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 Tex. Admin. Code § 305.125(1) and 305.125(5) and TCEQ Permit No. WQ0011126001 Operational Requirements No. 1 and Special Provisions No. 11, as documented during an investigation conducted on December 13, 2011. Specifically, significant erosion was noted along the water line of the irrigation holding pond and did not have a minimum freeboard of two feet.
- 7. Failed to secure the collection system lift stations, in violation of 30 Tex. Admin. Code § 305.125(1) and TCEQ Permit No. WQ0011126001 Operational Requirements No. 1, as documented during an investigation conducted on December 13, 2011. Specifically, Lift Station No. 1, located at 13th Street and Bladrige; Lift Station No. 2, located at 10th Street and Standefer; and Lift Station No. 3, located at 9th Street and Nassau; were not

surrounded by intruder-resistant fencing and the hatches to the wet wells were unlocked and unsecured.

8. Failed to obtain authorization prior to storing, processing, removing, or disposing of any municipal solid waste, in violation of 30 Tex. ADMIN. CODE § 330.9(a), as documented during an investigation conducted on December 13, 2011. Specifically, an estimated 7,500 cubic feet of municipal solid waste, consisting of tree limbs, mattresses, children's toys, and construction waste, were being stored at the Facility.

### III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 7 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of O'Donnell, Docket No. 2012-0396-MLM-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Within 15 days after the effective date of this Agreed Order, ensure a properly certified operator operates the Facility at least five days per week, in accordance with 30 Tex. Admin. Code § 30.350(d) and TCEQ Permit No. WQ0011126001, Special Provisions No. 2;
  - b. Within 30 days after the effective date of this Agreed Order:
    - i. Begin conducting, at a minimum, annual calibration of the flow meter used to measure flow to the land application area, in accordance with TCEQ Permit No. WQ0011126001 Monitoring Requirements No 5; and
    - ii. Submit the liner certification for the storage ponds and facultative lagoon, in accordance with TCEQ Permit No. WQ0011126001 Special Provisions No. 13;

- c. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision Nos. 2.a, 2.b.i, and 2.b.ii. The certification shall be in accordance with Ordering Provision No. 2.h below;
- d. Within 60 days after the effective date of this Agreed Order:
  - i. Repair all eroded sections of the irrigation holding pond and maintain a minimum freeboard of two feet, in accordance with TCEQ Permit No. WQ0011126001 and Special Provisions No. 11; and
  - ii. Install intruder resistant fencing at Lift Station Nos. 1, 2, and 3.
- e. Within 75 days after the effective date of this Agreed Order, submit certification of compliance with Ordering Provision Nos. 2.d.i and 2.d.ii. The certification shall be in accordance with Ordering Provision No. 2.h below;
- f. Within 90 days after the effective date of this Agreed Order, provide adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures, in accordance with TCEQ Permit No. WQ0011126001, Operational Requirements No. 4;
- g. Within 105 days after the effective date of this Agreed Order, submit certification of compliance with Ordering Provision No. 2.f. The certification shall be in accordance with Ordering Provision No. 2.h below; and
- h. The written certification of compliance required by Ordering Provisions Nos. 2.c, 2.e and 2.g shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Water Section, Manager Lubbock Regional Office Texas Commission on Environmental Quality 5012 50th Street, Suite 100 Lubbock, Texas 79414-3421

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- This Agreed Order may be executed in separate and multiple counterparts, which 7. together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

8. Under 30 Tex. Admin. Code § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

### SIGNATURE PAGE

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission
For the Executive Director  Date  2/26/14
I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.
<ul> <li>I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:</li> <li>A negative impact on compliance history;</li> <li>Greater scrutiny of any permit applications submitted;</li> <li>Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;</li> <li>Increased penalties in any future enforcement actions;</li> <li>Automatic referral to the Attorney General's Office of any future enforcement actions; and</li> <li>TCEQ seeking other relief as authorized by law.</li> <li>In addition, any falsification of any compliance documents may result in criminal prosecution.</li> </ul>
Signature    12-12-2013     Date     Scott Martinez   Mayon     Name (Printed or typed)     Authorized Representative of City of O'Donnell

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.